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Colombia

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

International Religious Freedom Report 2010

November 17, 2010

The constitution provides for freedom of religion, and other laws and policies contributed to the generally free practice of religion.

The government generally respected religious freedom in practice. There was no change in the status of respect for religious freedom by the government during the reporting period. Terrorist organizations, especially the Revolutionary Armed Forces of Colombia (FARC), killed, kidnapped, and extorted religious leaders and practitioners, inhibiting free religious expression. Terrorist organizations generally targeted religious leaders and practitioners for political rather than religious reasons. The National Liberation Army (ELN) continued to threaten members of religious organizations but generally adhered to its agreement to cease killing religious leaders. Former United Self-Defense Forces (AUC) members that refused to demobilize and new illegal groups, including the Aguilas Negras (Black Eagles), also targeted representatives and members of religious organizations. Some indigenous leaders reportedly were intolerant of nonsyncretic forms of worship.

There were some reports of societal abuses or discrimination based on religious affiliation, belief, or practice.

The U.S. government discusses religious freedom with the government as part of its overall policy to promote human rights.

Section I. Religious Demography

The country has an area of 439,735 square miles and a population of 45 million. The government does not keep statistics on religious affiliation, and estimates from religious leaders varied. According to the Colombian Evangelical Council (CEDECOL), approximately 15 percent of the population is Protestant, while the Catholic Bishops' Conference estimates that 90 percent of the population is Catholic. A 2007 article in the daily newspaper *El Tiempo* claimed that 80 percent of the population was Catholic, although not all were practicing; 13.5 percent of the population belonged to non-Catholic Christian groups; 2 percent was agnostic; and the remaining 4.5 percent belonged to other religious groups, such as Islam and Judaism. Other membership estimates include Seventh-day Adventists, 261,000; Anglicans and Presbyterians, 50,000 each; Mennonites, 4,000; Methodists, 1,500; other Protestants and evangelicals, 5 million; The Church of Jesus Christ of Latter-day Saints (Mormons), 150,000; Muslims, 10,000; and Jews, 5,000. Practitioners of animism and various syncretic beliefs are also present.

Some religious groups tended to be concentrated in certain geographical regions. For example, most practitioners of syncretic beliefs that blend Catholicism with elements of African animism are Afro-Colombian residents of the Chocó Department on the Pacific coast. Jews resided in major cities, Muslims on the Caribbean coast, and adherents of indigenous animistic religions in remote, rural areas. A small Taoist commune existed in a mountainous region of Santander Department.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The constitution provides for freedom of religion, and other laws and policies contributed to the generally free practice of religion. The constitution specifically prohibits discrimination based on religion.

The constitution states that there is no official church or religion, but adds that the state "is not atheist or agnostic, nor indifferent to Colombians' religious sentiment." Some interpret this statement to mean that the state unofficially sanctions a privileged position for Catholicism, which was the official religion until the adoption of the 1991 constitution. A 1973 concordat between the Vatican and the government remains in effect, although some of its articles are unenforceable because of constitutional provisions on freedom of religion. A 1994 constitutional court decision declared unconstitutional any official government reference to a religious characterization of the country.

The government observes the following religious holidays as national holidays: Epiphany, Saint Joseph Day, Palm Sunday, Holy Thursday, Good Friday, Easter, the Ascension, Corpus Christi, Sacred Heart Day, Saints Peter and Paul Day, the Feast of the Assumption, All Saints' Day, the Immaculate Conception, and Christmas.

The government extends two different kinds of recognition to religious organizations: recognition as a legal entity (personería jurídica) and special public recognition as a religious entity. Although the application process is often lengthy, the Ministry of Interior and Justice (MOIJ) readily grants the former recognition; the only legal requirements are submission of a formal request and basic organizational information. In addition, any foreign religious group that wishes to establish a presence must document official recognition by authorities in its home country. The MOIJ may reject requests that do not comply fully with established requirements or that violate fundamental constitutional rights. Some non-Catholic religious leaders complained that their applications were unnecessarily delayed and that their petitions for recognition as legal entities were denied for trivial reasons. They stated that for this reason some non-Catholic religious groups chose not to apply for legal recognition and instead operated as nongovernmental organizations (NGOs) or as informal religious entities.

Since 2008 the MOIJ has approved 719 applications for special public recognition as a religious entity; an estimated 90 percent of the approvals were for evangelical churches. According to the MOIJ, 827 applications failed to meet constitutionally established requirements and thus were not approved. In cases in which individual churches or schools affiliated with a nationally registered church applied separately for special public recognition, the government granted those organizations affiliate or associate status. Although the MOIJ has statutory authority over recognizing religious entities, there is no government agency to monitor or enforce laws governing religious freedom.

Accession to a 1997 public law agreement between the state and non-Catholic religious groups is required for such organizations to minister to their adherents in public institutions such as hospitals or prisons, provide chaplaincy services and religious instruction in public schools, and perform marriages recognized by the state. When deciding whether to grant accession to the 1997 agreement, the government considers a religious group's total membership; its degree of acceptance within society; and other relevant factors, such as the organization's statutes and its required behavioral norms. No non-Christian religious group was a signatory to the 1997 public law agreement. Some prominent non-Christian

religious groups, such as the Jewish community, chose not to accede to the 1997 public law, declaring that the agreement was designed for Protestant groups. Many churches that are signatories reported that some local authorities failed to comply with the accord.

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The ministry of foreign relations issues visas to foreign missionaries and administrators of religious groups that received special public recognition. Foreign missionaries are required to possess a special visa, valid for up to two years. Applicants must have a certificate from the MOIJ confirming that their religious group is registered with the ministry or a certificate issued by the Catholic archdiocese. Alternatively, they may produce a certificate issued by the religious organization confirming the applicant's membership and mission in the country, as well as a letter issued by a legal representative of the religious organization stating that the organization accepts full financial responsibility for the expenses of the applicant and his family, including return to their country of origin or last country of residence. In both cases applicants must explain the purpose of the proposed sojourn and provide proof of economic means. The government generally permits missionaries to proselytize among the indigenous population, provided that the indigenous group welcomes proselytism and visitors do not induce members of indigenous communities to adopt changes that endanger their survival on traditional lands. The Supreme Court stipulated that no group may force religious conversion on members of indigenous communities.

The constitution recognizes the right of parents to choose the type of education their children receive, including religious instruction. It also states that no student shall be forced to receive religious education in public schools. Religious groups that have not acceded to the public law agreement may establish their own schools, provided they comply with ministry of education requirements. For example, the Jewish community operates its own schools. The Catholic Church has an agreement with the government to provide education in rural areas that have no state-operated schools. These schools are tax-exempt. Leaders of non-Catholic religious groups claimed that local authorities in many municipalities did not grant their schools the same tax-exempt status Catholic schools enjoyed.

Restrictions on Religious Freedom

The government generally respected religious freedom in practice. There was no change in the status of respect for religious freedom by the government during the reporting period.

Although the 1991 constitution mandates separation of church and state, the Catholic Church retains a de facto privileged status. Accession to the 1997 public law agreement is required for non-Catholic groups to minister to military personnel, public hospital patients, and prisoners, and to provide religious instruction in public schools. Muslim and Protestant leaders claimed difficulties in acquiring military chaplain positions and gaining access to prisoners.

The state recognizes as legally binding only those religious marriages celebrated by the Catholic Church and the 13 non-Catholic religious organizations that are signatories to the 1997 public law agreement, as well as religious groups with an associate status. Members of religious groups that are neither signatories to the agreement nor associates must marry in a civil ceremony for the state to recognize the marriage. Some signatories to the agreement complained of discrimination at the local level, such as municipal authorities' refusal to recognize marriages the groups performed.

All legally recognized churches, seminaries, monasteries, and convents are exempt from national and local taxes and customs duties; however, CEDECOL claimed that this was not respected in practice and that reportedly municipal governments required some non-Catholic religious groups to pay property and other local taxes on their places of worship and schools. The treasury department reportedly required non-Catholic places of worship to pay a 4 percent tax on all tithes, offerings, and charitable contributions. According to CEDECOL non-Catholic missionaries and religious leaders also must pay a 17 percent tax on all financial assistance received from abroad.

In 2006 the Bogotá municipal government passed a city planning ordinance that restricted the number of churches in residential areas and imposed stringent building codes on church facilities. The city granted congregations until 2015 to implement fire safety, disabled access, and other security standards. The executive secretary of CEDECOL stated that the ordinance was a positive step and did not show favoritism toward the Catholic Church. He added that Catholic churches are usually older and are exempt from some of the standards due to their historical and architectural status.

There was one report of religious detainees in the country. Indigenous Christians reported that indigenous leaders prevented them from practicing their faith on indigenous reserves. On October 27, 2009, approximately 28 Christian members of the Kogui indigenous community (including two nursing mothers) residing in the Sierra Nevada reserve were detained for nearly two months by the Gonawindua Tayrona Organization (OGT), the governing body of that reserve, for practicing their faith. The OGT denied holding anyone against their will and cited the constitution and related court decisions that uphold indigenous autonomy and the right to control religious practices within indigenous reserves. The government dispatched officials to the reserve to meet with both the OGT and the Kogui Christians to investigate. NGOs reported that in February 2010 a judge ruled that while the constitution provides for religious freedom, Kogui leaders have the right to "protect" native practices. In March 2010 the courts rejected the Kogui Christians' appeal. Both sides relied on a 2008 legal decision that acknowledged the right to practice Christianity in private on indigenous territory but upheld the indigenous government's right to determine if the public practice of Christianity was a threat to indigenous traditions.

Forced Religious Conversion

There were no reports of forced religious conversion.

Abuses by Rebel or Foreign Forces or Terrorist Organizations

Religious leaders and practitioners were the targets of threats and kidnappings by guerrilla groups, former AUC members that refused to demobilize, and new illegal groups, generally for political or economic rather than religious reasons. These groups were responsible for the majority of such attacks and threats, killing, kidnapping, extorting, and inhibiting free religious expression. In general the motive for crimes against religious leaders was not their religious beliefs, but rather their human rights work, advocacy on behalf of the displaced or other vulnerable groups, and involvement in helping vulnerable groups with their land claims.

The Human Rights Unit of the Prosecutor General's Office continued to investigate the killings in past years of 14 members of the clergy believed to have been targeted because they were outspoken critics of terrorist organizations. The government reported four killings of religious leaders in 2009. The Presidential Program for Human Rights reported that nearly all killings of priests by terrorist groups could be attributed to leftist guerrillas, particularly the FARC. Catholic and Protestant church leaders noted that killings of religious leaders in rural communities were generally underreported because of the communities' isolation and fear of retribution. Religious leaders generally chose not to seek government protection because of their pacifist beliefs and fear of retribution from terrorist groups. Catholic priest Father Javier Giraldo, spiritual leader of the San José de Apartadó (Antioquia) "peace" community, received multiple death threats for his human rights defenders work, his community involvement, and his efforts to bring military personnel to justice for human rights violations. On April 16, 2010, there were spray painted graffiti threats at the headquarters of his organization (the Center for Investigation and Popular Education) and other buildings throughout Bogotá. In response, then Vice President Francisco Santos publicly condemned the threats and stated his support for Father Giraldo and other human rights defenders.

A human rights organization affiliated with the Mennonite church, Justicia, Paz y Acción Noviolenta (Justapaz), and CEDECOL claimed that guerrillas, former AUC members that refused to demobilize, and new illegal groups equally

committed violence against evangelical church leaders. Between January and October 2009 in the Department of Córdoba, Justapaz and CEDECOL reported that six evangelical leaders were killed, resulting in the displacement of 1,230 individuals from 265 families in five communities. New illegal groups, including the New Bolivarian Self-Defense Forces and the Aguilas Negras, targeted human rights organizations. Religious workers involved in human rights activities received death threats.

Most religious groups reported that due to threats from guerrillas, former AUC members that refused to demobilize, and new illegal groups, many religious authorities were forced to refrain from publicly discussing the internal conflict. Illegal armed groups, especially the FARC, threatened or attacked religious officials for opposing the forced recruitment of minors, promoting human rights, assisting internally displaced persons, and discouraging coca cultivation. The Catholic Bishops' Conference also reported that guerrillas, former AUC members that refused to demobilize, and new illegal groups issued death threats against rural priests who denounced them. In response to such threats, some religious leaders relocated to other communities.

Guerrillas, former AUC members that refused to demobilize, and new illegal groups harassed some indigenous groups that practiced animistic or syncretic religions; however, political or economic differences (whether real or perceived) or questions of land ownership generally motivated such harassment rather than religious concerns.

Section III. Status of Societal Respect for Religious Freedom

There were some reports of societal abuses or discrimination based on religious affiliation, belief, or practice. The Catholic Church and some evangelical churches reported that some indigenous leaders were intolerant of nonsyncretic forms of worship.

A number of faith-based NGOs promoted human rights, social and economic development, and a negotiated settlement to the internal armed conflict. The most influential of these organizations were either affiliated with the Catholic Church or founded by church officials. The Catholic Church was the only institutional presence in many rural areas and its Social Pastoral Agency conducted important social work.

Section IV. U.S. Government Policy

The U.S. government discusses religious freedom with the government as part of its overall policy to promote human rights. U.S. embassy representatives maintained regular communication with representatives of the Catholic Church and other religious groups.

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